

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION

DAVID WALLS, ET AL.

PLAINTIFFS

VERSUS

NO. 1:17CV37-SA-DAS

HOUSTON SCH. DIST., ET AL.

DEFENDANTS

MOTION TO CONTINUE TRIAL

COME NOW the Plaintiffs, by and through counsel of record, and file their Motion to Continue Trial. For cause, the Plaintiffs show the court as follows:

1. The trial of this matter is scheduled for December 3, 2018. The pre-trial conference in this matter is presently scheduled for November 7, 2018.
2. The United States Court of Appeals for the Fifth Circuit set oral argument in Blake v. Lambert, No. 18-60176, on Monday, December 3, 2018, at the John Minor Wisdom United States Court of Appeals Building, in New Orleans, Louisiana. A copy of the Court's calendar confirming this setting is attached hereto as Exhibit "A."
3. The commencement of the trial in this case and the oral argument, in Blake v. Lambert, create an irreconcilable scheduling conflict for counsel for the Plaintiffs and necessitates a continuance of the trial in this case.
4. The Plaintiffs request the trial of this matter be continued and re-set for a time convenient to the parties and the Court.
5. At present, the Defendants' motion for summary judgment is pending before

the Court. The Court's ruling on that motion may obviate the need for a trial through a disposition on the merits of the case or through a negotiated resolution of this case prior to any future trial setting.

6. This Motion to Continue Trial is not being submitted to the Court for dilatory reasons or for purposes of delay or harassment but to further the ends of justice.

7. The Defendants will not be prejudiced by the Court granting this requested continuance.

8. Counsel for the Defendants has conferred with counsel for the Defendants. Counsel for the Defendants has informed counsel for the Plaintiffs this motion is unopposed and there is no objection to the motion or the relief requested.

10. Because this motion is self explanatory, the Plaintiffs request the Court relieve him from the obligation of filing a supporting memorandum.

WHEREFORE, PREMISES CONSIDERED, the Plaintiffs respectfully request the Court continue the trial of this matter until a later date convenient to the parties and the Court.

Respectfully submitted, this the 31st day of October, 2018.

/s/ Victor Israel Fleitas

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Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on October 31, 2018 I electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

Randall E. Day, III, Esq.
Mitchell Day Law Firm
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This the 31st day of October, 2018.

/s/ Victor Israel Fleitas

VICTOR I. FLEITAS